

## INTRADEPARTMENTAL CORRESPONDENCE

October 10, 2019  
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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** IN-CUSTODY DEATH NO. 067-18

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Honorable Members:

The following is my review, analysis and findings for In-Custody Death (ICD), Force Investigation Division (FID) No. 067-18. A Use of Force Review Board (UOFRB) was convened on this matter on September 23, 2019. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY<sup>1</sup>

On December 19, 2018, at approximately 0925 hours, Officers C. Popham, Serial No. 35172, and D. Castro, Serial No. 43443, Central Patrol Division, were dressed in full police uniform and driving a marked black-and-white police vehicle. The officers were assigned to a crime suppression detail in Central Area when they heard Communications Division (CD) broadcast the following, "Central units, Battery in progress at Flower and 5<sup>th</sup>, Flower and 5<sup>th</sup>, at the southeast corner. The suspect is a male Black wearing a scarf on his head and is a possible transient assaulting a Cal Trans worker who is on the ground. Code-Three incident, 1596, RD 152."

**Note:** The investigation revealed that at the time of the incident, Officer Castro was a probationary officer with approximately four months in the field and Officer Popham was a Field Training Officer (FTO) and had over 19 years of experience with 15 of those years assigned to Central Area.

Officer Popham was Officer Castro's assigned FTO and they had been working together for approximately one month. According to the officers, they *discussed tactics*, the roles of *contact and cover*, and *debriefed calls*, during their time working together.

According to Officer Popham, CD assigned the radio call to a patrol supervisor. Although Officer Popham and Officer Castro were assigned to a crime suppression detail, there were no

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<sup>1</sup> The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

other units available to handle the radio call; therefore, Officer Popham directed Officer Castro to *cancel the supervisor* and advised they would *handle the call*.

**Note:** The investigation determined that the suspect, later identified as H. Outing, had approached Victim B. Grimshaw, a construction worker at the southeast corner of 5<sup>th</sup> Street and Flower Street and punched him on the forehead. Outing continued to punch Grimshaw who defended himself. Grimshaw and other construction workers were eventually able to hold Outing on the ground until the police arrived. Witness V. Santochi observed the incident and called 9-1-1 to report the incident.

At approximately 0926 hours, Officers Popham and Castro advised CD that they would handle the call and they responded Code Three to the location.

**Note:** A review of Officer Castro's Body Worn Video (BWV) determined that as the officers responded to the radio call, Officer Castro assisted Officer Popham with clearing intersections and read the comments of the call out loud.

At approximately 0927 hours, Sergeant O. Thomas, Serial No. 34998, Central Patrol Division, advised CD that he was enroute to the radio call and he responded Code Three to the location.

**Note:** CD broadcast additional information advising that citizens had detained the suspect.

According to Officer Popham, as he and Officer Castro approached 5<sup>th</sup> Street and Flower Street, he observed a male wearing an *orange safety vest waving* at the officers.

**Note:** Officer Castro broadcast that they were Code Six over Central Division base frequency.

As Officer Popham exited his police vehicle, he observed *three or four gentlemen on top of* Outing. Officer Popham observed that the citizens appeared to be using their *body weight to pin* Outing to the ground and *prevent his escape*. Outing was on his *stomach*, with his arms *underneath him, clenching his fists*. Officer Popham also observed that Outing had some *abrasions and injuries* and that there was *blood all over the suspect (Outing) and on the ground*.

**Note:** As the officers approached the scene, their BWV captured a male voice state, "You guys need to...he's super fucking strong alright."

The FID investigation revealed that a total of four male witnesses utilized body weight to hold Outing onto the ground. Two of the citizens were later identified as Witnesses J. Ruiz and R. Perez. The additional two unidentified witnesses left the scene prior to being identified and interviewed. At the time of the incident, Perez was 5 feet, 8 inches tall and weighed 220 pounds while Ruiz was 6 feet tall and weighed 247 pounds.

According to Perez, he observed Outing on his *back* with Grimshaw on top of him. Perez *separated* both parties and then proceeded to *roll* Outing onto his *stomach*. Perez laid on top of

Outing and positioned his *chest* and *arms* against Outing's *back*. Ruiz controlled Outing's legs while the two unidentified witnesses controlled Outing's upper limbs.

**Note:** FID investigators determined and presented at the UOFRB that according to cellular phone video, Outing was on his stomach and held down by the witnesses for at least one minute and seventeen seconds. The video did not capture the entire incident involving Outing and the four witnesses.

According to Officer Popham, one of the bystanders advised him that Outing had *attacked somebody*. Officer Popham observed that Outing was *sweating profusely* and his *hands were balled up under him – clenched in a fist*, which led Officer Popham to form the opinion that Outing was possibly *under the influence of PCP or Methamphetamine*. Officer Popham then observed Officer Castro remove his handcuffs and grab Outing's right forearm in preparation of handcuffing him.

According to Officer Popham, due to the blood on Outing, he directed Officer Castro to *hold off* on handcuffing Outing. Officer Popham then directed the witnesses to continue to *hold him down*. Officer Popham then broadcast a backup request and directed Officer Castro to don protective gloves.

**Note:** During the back-up request, Officer Popham misidentified the officers' unit designation as 1A35. Their actual unit designation was 1Z27 (**Additional Tactical Debrief Topic – Tactical Communication**).

According to Officer Castro, upon their arrival, he observed *approximately four construction workers on top of Outing*. Officer Castro *ran over to go and try to get the subject in custody* and immediately *took out his handcuffs*.

According to Officer Popham, the witnesses that were holding Outing advised him that they *were going to get off of him – which they did*. Fearing Outing was going to *jump up and attack* the officers, Officer Popham drew his TASER from its holster (**Additional Tactical Debriefing Topic – Initiating Contact with TASER in Hand**).

**Note:** A review of Officer Popham's BWV and Grimshaw's cellular phone video of the incident revealed Officer Popham drew his TASER prior to the witnesses releasing their hold on Outing. Upon placing the TASER on Outing, the witnesses released Outing and backed away from him. Officer Popham then ordered Outing to, "Lay down – put your arms out," and stated, "If you move, I'm gonna Tase you." Outing did not comply and kept his arms up near his chest.

According to Officer Popham, he then directed Officer Castro to, "Grab him (Outing)," as he observed Outing *move his hands closer to his body* in an apparent attempt to *sit up on his forearms*. Officer Popham observed that Outing appeared to be in a *drug induced haze*. Officer Popham repeatedly ordered Outing to *put his arms out to his side* and *spread his legs*. Outing did not comply and instead responded by placing his forearms on the ground and lifting his upper

torso off the pavement. Officer Popham then placed the TASER on Outing's back and ordered him not to get up or he would be *tased*. Officer Popham then used his *bodyweight* to *hold* Outing *onto the ground*, utilized a firm grip to grab Outing's *left arm* and then directed Officer Castro to grab Outing's *right arm* and *place it behind his back* (**Non-Lethal Use of Force**).

According to Officer Popham, he was unsure if Outing understood his commands so he placed the TASER against Outing's back in order for Outing to *feel* the device.

**Note:** Officer Popham advised that based on his training and experience in Central Area *when people are under the influence of methamphetamine or PCP, it takes them a little while to figure things out*, which causes a delayed response. Officer Popham believed that Outing may *respond more to touch or feel*, which is why he placed his TASER against Outing's back.

According to Officer Popham, he then positioned himself on Outing's left side and placed his right knee on Outing's upper back to *prevent him from escaping*. Officer Popham removed the cartridge from the TASER and placed the TASER between Outing's shoulder blades and advised him that he was going to *tase* him. Officer Popham then re-inserted the cartridge in the TASER and utilized a firm grip on Outing's left wrist with his left hand. Officer Popham then momentarily utilized his right palm to apply bodyweight to the back of Outing's head to *keep him pinned down*, while he simultaneously kept a grasp of the TASER. Officer Popham stated and the investigation determined that he never activated the TASER (**Non-Lethal Use of Force**).

**Note:** Officer Popham advised FID investigators that he did not initially recall utilizing his bodyweight on Outing's back or placing his hand on the back of Outing's neck or head. After reviewing available cellular video, Officer Popham *opined* that although he had no independent recollection of the additional physical force he applied, he believed he did so to *maintain control of Outing* and to *prevent him from causing physical harm or getting up and hurting somebody*.

A review of BWV and cellular phone video revealed that Officer Popham repositioned his knees from on top of Outing's back to the ground next to Outing. While still holding his TASER in his right hand, Officer Popham struggled with his left hand to gain control of Outing's left arm. Officer Popham then momentarily placed his TASER on the ground in front of his right knee which allowed him to use both hands to hold onto Outing. Officer Popham then immediately picked up the TASER and continued to utilize physical force and firm grips to place Outing's left hand behind his back (**Non-Lethal Use of Force and Debriefing Point No. 1**).

According to Officer Popham, he placed the Taser on the ground for approximately *one second* and picked it up again because he *didn't want somebody to grab it, because it's still a weapon*. In order for Officer Popham to holster the TASER into the canvas drop-leg holster, which was secured to the left side of his duty belt, he would have to *transition* the TASER to his left hand; However, he was unable to do so without releasing Outing's left wrist.

According to Officer Castro, he positioned himself *behind* Outing and then utilized a firm grip on Outing's right arm in an attempt to move his arm behind his back.

**Note:** The investigation revealed Officer Castro placed his left knee against Outing's lower back and utilized his body weight which prevented Outing from getting up.

According to Officer Castro, he noted Outing *was tensing up* and *really strong*. Officer Castro observed *foam coming out of his* (Outing's) *mouth* and formed the opinion that he was possibly *under the influence of something*. Officer Castro utilized physical force to pull Outing's right arm from underneath Outing and placed it behind his back. Officer Castro then applied a handcuff to his right wrist (**Non-Lethal Use of Force**).

**Note:** A review of the BWV depicted Officer Castro ordering Outing to, "Stop tensing up," but Outing did not comply or verbally respond.

According to Sergeant Thomas, he arrived at scene and observed the officers on the ground *struggling* to handcuff Outing. He observed Officer Castro standing over Outing and Officer Popham with his knee on Outing's back.

According to Sergeant Thomas, he observed that the officers had one handcuff on Outing's wrist and *realized that they needed some assistance in handcuffing* him. Sergeant Thomas, concerned that the incident would escalate if Outing was not immediately taken into custody, utilized a firm grip and physical force to push Outing's right arm closer to his left arm to assist the officers with handcuffing Outing's left wrist (**Non-Lethal Use of Force**).

**Note:** A review of cellular phone video revealed that Officer Popham again placed his TASER on the ground, between his knees as the officers attempted to complete the handcuffing of Outing. With his hand free of his Taser, Officer Popham was able to place Outing's left arm behind his back. With Sergeant Thomas' assistance, the officers were able to complete the handcuffing of Outing. Officer Popham then recovered the TASER from between his knees (**Debriefing Point No. 1**).

According to Officer Popham, he then broadcasted a Code Four over Central Area base frequency, holstered his TASER and requested two Los Angeles Fire Department (LAFD) Rescue Ambulances (RA) for both Outing and Grimshaw.

**Note:** During the Code-Four broadcast, Officer Popham again misidentified his unit designation (**Additional Tactical Debrief Topic – Tactical Communication**).

A review of the officers BWV revealed the duration of the entire non-lethal use of force was approximately forty seconds.

Additional personnel arrived including Sergeant A. Castellanos, Serial No. 36973, and Officers C. Gelvin, Serial No. 42397, and D. Torres, Serial No. 39733, Central Patrol Division.

According to Officer Popham, once Outing was handcuffed, they *sat him up* and then *stood him up*, but noticed that Outing was *not responsive to any of their commands*. The officers then *sat him* (Outing) *back down* and Officer Popham directed Officer Castro to place Outing *on his side* to prevent *positional asphyxia*.

**Note:** A review of the officers' BWV revealed the officers placed Outing onto his left side to ensure he was able to breathe. While waiting for the RA, Officers Popham and Castro attempted to keep Outing on his left side and continued to verbalize with him, but Outing continued to roll from side to side on the sidewalk and was verbally unresponsive. Sergeant Thomas directed the officers to maintain Outing's position on one side or the other as required to keep him in a position to breathe freely.

According to Officer Popham, he observed that Grimshaw had sustained a *knot on his head* and had blood on his face. Officer Popham requested that Grimshaw *sit down to avoid falling down or losing consciousness*, but he refused. Additionally, Officer Popham *could see* Outing was in *distress from narcotics, possible narcotics overdose*.

According to Officer Popham, a LAFD fire *engine* arrived on scene *first*. Officer Popham directed the LAFD engine personnel to treat Grimshaw first because Grimshaw did not *really want* medical treatment and Officer Popham *figured* they would *just wipe him off and start working on the suspect* (**Additional Tactical Debriefing Topic – Arrestee Medical Treatment**).

**Note:** The FID investigation revealed that at approximately 0932 hours, LAFD Engine No. 3 arrived at scene and LAFD personnel began to render aid to Grimshaw who declined medical treatment. Grimshaw subsequently sought private medical care and it was later determined that he had sustained multiple contusions and abrasions in several locations and a sprain to his right shoulder.

A review of the BWV revealed that LAFD Firefighter T. Poole, Serial No 370945, Engine Company No. 3, walked over to the officers and visually assessed the condition of Outing, who was breathing and continually moving from side to side. Additionally, LAFD Firefighter J. Kiss, Serial No. 385135, advised the officers that additional LAFD paramedics were enroute to treat Outing and the additional RA was supplied with medication to subdue him if he were to become combative with LAFD personnel. The firefighter then walked back to where the additional LAFD personnel were treating Grimshaw (**Additional Tactical Debriefing Topic – Arrestee Medical Treatment**).

The FID investigation revealed that at approximately 0940 hours, LAFD RA No. 3 responded to the scene and LAFD personnel provided aid to Outing who was still conscious and breathing at the time. Outing was placed into the rear of the RA and went into cardiac arrest at approximately 0952 hours.

The investigation determined Sergeant Castellanos initially investigated this incident as a

Non-Categorical Use of Force incident. Officers Popham and Castro left the location to respond to Central Community Police Station to dock their Body Worn Video (BWV) cameras.

The investigation determined that Lieutenant Y. Gillani, Serial No. 35215, Central Patrol Division, was telephonically notified of the incident while he was at Central Community Police Station. Due to Outing's medical condition, Lieutenant Gillani anticipated the incident could possibly become a Categorical Use of Force. Lieutenant Gillani ensured that Officers Popham and Castro were separated, admonished and monitored.

**Note:** Officer Gelvin was designated to ride in the rear of the RA during Outing's transport to the hospital. While sitting in the back of the RA, it became apparent to Officer Gelvin that LAFD personnel working on Outing would benefit from additional space so he exited the RA and requested that they advise him before their departure to the hospital. Officer Gelvin remained in close proximity to the RA and intermittently opened the RA doors to obtain an update, while his partner Officer Torres engaged in other ancillary duties at the scene **(Additional -Transporting Injured Suspects/Arrestees/Inmates).**

Lifesaving measures were performed by LAFD personnel on Outing for approximately 30 minutes before he was ultimately transported to Good Samaritan Hospital where he was pronounced dead at 1043 hours.

The investigation determined that Lieutenant Gillani responded to the scene of the incident and discovered that Sergeant Thomas had also been involved in the use of force. Lieutenant Gillani ensured that Sergeant Thomas was separated and monitored and that notifications were made once it was determined that the incident was a Categorical Use of Force.

**Note:** Unbeknownst to the officers, Outing was involved in another incident prior to his assault on Grimshaw. At approximately 0915 hours, Outing approached a 14-year old juvenile victim from behind and pushed him onto the train tracks adjacent to the Metropolitan Transportation Authority (MTA) underground platform, which was below 5<sup>th</sup> Street and Hill Street. Outing followed the juvenile onto the tracks and continued to strike the juvenile. Outing fled from the location on foot up to the street level via the staircase after several citizens intervened. Once on the street, Outing physically assaulted Grimshaw a few minutes later, which prompted the radio call handled by Officers Popham and Castro.

A LAFD RA responded and provided medical treatment to the juvenile for lacerations and abrasions to the face and torso and the incident was documented on an Investigative Report titled: Attempt Murder, DR No. 1901-30699. Outing's involvement in the Attempt Murder of the juvenile was not known to Officer Popham and Castro at the time of the use of force.

On December 22, 2018, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor Z. Ashraf performed a post-mortem examination of Outing's remains. Outing's manner of death was classified as "Undetermined." No evidence of asphyxia, such as petechial hemorrhages of the sclera, conjunctivae and gingiva, was identified.

**Note:** On March 1, 2019, a Laboratory Analysis Summary Report was reviewed and approved by Los Angeles County Department of Medical Examiner-Coroner Supervising Criminalist S. Buxton de Quintana. The analysis results documented that Outing tested positive for THC (Marijuana). Additional testing for novel psychoactive substances, including synthetic cannabinoids and synthetic cathinones (bath salts), were negative.

## **FINDINGS**

**Tactics** – Tactical Debrief, Sergeant Thomas, along with Officers Popham and Castro.

**Non-Lethal Use of Force** – In Policy, No Further Action, Sergeant Thomas, along with Officers Popham and Castro.

## **ANALYSIS<sup>2</sup>**

### **Detention**

The officers responded to a radio call of a Battery in Progress. Upon arrival, officers observed the suspect being held down by several witnesses at the location and were told by a citizen that the suspect had attacked someone. The witnesses holding the suspect advised the officers that the suspect was unusually strong. The officers observed the suspect to be profusely sweating, with clenched fists, rigid muscle tone, visible injuries and he appeared to be in a drug-induced haze. In addition to their battery investigation, the officers formed the opinion based on their observations that the suspect was under the influence of a controlled substance and required medical attention. The officers attempted to detain the suspect; however, he did not comply with the officers' verbal commands resulting in the utilization of non-lethal force to detain and place handcuffs on the suspect. The officers' actions were appropriate and within Department policies and procedures.

### **Tactics**

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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<sup>2</sup> The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.



### Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

#### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the officers were attempting to detain a violent battery suspect whom they believed to be possibly under the influence of a controlled substance. The investigation noted that the officers had been assigned to work together for less than one month. During their time together, they had discussed tactics including Contact and Cover responsibilities. Prior to responding to this incident, the officers discussed tactics and debriefed the traffic stop they had just completed. Although the location of their Code Three radio call was close in proximity to their starting point, the officers continually communicated while enroute to the radio call. Officer Castro read the comments of the radio call aloud and assisted with clearing intersections. Upon arrival, Officer Popham directed Officer Castro to place them Code Six, ensuring additional resources had knowledge of their location. The officers then utilized several tactical de-escalation techniques including planning, assessment, time, other resources, and lines of communication.

Having worked the downtown area for several years, Officer Popham immediately recognized that the suspect was exhibiting the signs and symptomology of someone that was possibly under the influence of a controlled substance. The officers assessed the situation and utilized lines of communication between themselves and the witnesses by directing them to continue to hold the suspect in place, which allowed the officers additional time to request other resources, don personal protective equipment and formulate a plan to take the suspect safely into custody.

During the incident, the officers communicated with the suspect by giving him clear verbal instructions to comply with their directions. Additionally, in hopes of gaining the suspect's compliance, Officer Popham utilized a tactile means of communication by placing his TASER between the suspect's shoulder blades while providing the suspect with a warning and clear orders to spread his limbs and lay down. When the suspect failed to comply, the officers feared he would get to his feet and continue his attack on the citizens or the officers. The officers

assessed the suspect's actions and determined the need to quickly contain the suspect in order to de-escalate the situation.

The officers did not resort to using less-lethal force to take the suspect into custody despite reports that he was violent and extremely strong and seeing that it took four larger-statured male witnesses to control the suspect. By immediately controlling the suspect through the use of non-lethal force options, the officers demonstrated tremendous restraint to effect the arrest of a violent suspect that was obviously in an altered state.

During the review of the incident, the following Debriefing Topics were noted:

**Debriefing Point No. 1      Maintaining Control of TASER**

*The TASER shall be carried in a Department approved holster on the support side of the duty belt in either a cross draw or support side draw position (Los Angeles Police Department Use of Force - Tactics Directive No. 4.5, Electronic Control Device - TASER, July 2018).*

According to Officer Popham, he placed his TASER on the ground twice while assisting Officer Castro in physically controlling Outing.

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The ability to adjust to a tactical situation ensures minimal exposure to the officers.

In this case, as Officer Popham maintained a firm grip on Outing, he did not secure his TASER in its canvas drop-leg holster. In order to control Outing, Officer Popham momentarily placed the TASER on the ground next to himself and then had the state of mind to quickly recover the TASER once he was able to gain control of Outing's left arm. Sergeant Thomas arrived and assisted Officers Popham and Castro by lifting Outing's right arm and guiding it toward his left arm to facilitate Outing's handcuffing. Officer Popham then placed his TASER on the ground between his knees for approximately eight seconds while he placed Outing's left arm behind Outing's back in order to handcuff him. According to Officer Popham, while he held the TASER in his right hand, he could not secure it in its holster, which was on the left side of his duty belt because he would have been required to transition the TASER to his left hand to do so. Doing so, would have required him to let go of Outing's left wrist. The UOFRB evaluated the two circumstances of the TASER being placed on the ground and opined that during each occurrence it was momentary, occurred during times that Outing was well-controlled and necessary in order for Officer Popham to assist in controlling Outing.

Officer Popham is reminded of the importance of making every attempt to maintain control of his equipment, as it increases the likelihood of tactical success during incidents such as this.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Officer Popham's actions were reasonable and not a substantial deviation from approved Department tactical training.

In an effort to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Tactical Communication** – The investigation revealed that Officer Popham broadcast the incorrect unit designation twice while at scene. I noted that Officer Popham is regularly assigned to work patrol in an “A car,” but on the day of the incident had volunteered to work a crime suppression detail. While it is understandable that under stress, officers resort to what their regularly assigned unit designations are, Officer Popham is reminded of the importance of broadcasting the correct unit designation in order to avoid confusion or delay to responding units. I will direct this to be a topic of discussion during the Tactical Debrief.

**Proper Use of Taser in Drive-Stun Mode** – The investigation revealed that Officer Popham removed the cartridge from the TASER prior to placing it on Outing’s back. Though Officer Popham did not activate the TASER, he is reminded that to maximize the effectiveness of the TASER, the cartridge should remain attached to the TASER so that the recommended three-point drive stun can be utilized. In order to conduct this type of drive-stun, the officer must leave the cartridge in place, leave room for the TASER cartridge blast doors to open, then activate the TASER and move the TASER to an area of the body away from the probe impact site to maximize the effect of the Neural Muscular Incapacitation (NMI). In all other circumstances, TASER applications are most effective when discharged in probe mode from a distance of seven to 15 feet as the spread of the probe darts maximizes the effectiveness of NMI. In an effort to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

**Arrestee Medical Treatment** – The investigation revealed that Officer Popham immediately requested a RA for Outing upon taking him into custody and then requested a second RA for Grimshaw once he realized that he was injured. Officer Popham directed the first arriving LAFD personnel to treat Grimshaw because he believed Grimshaw’s treatment would be quick. LAFD personnel conducted a brief visual assessment on Outing prior to the arrival of the RA and noted Outing was breathing, moving around and making eye contact. LAFD personnel have advanced medical training and more experience in dealing with the analysis and treatment of persons needing medical treatment than officers. In this case, LAFD personnel were able to make their own observations of Outing and ultimately have the responsibility to determine who they should treat and in what order. Nonetheless, I would have preferred that the officers refrain from providing direction to LAFD personnel as to who should be treated first. Rather than provide direction, officers are reminded that when feasible, it is important to communicate relevant observations (i.e.: foaming at the mouth, verbal unresponsiveness, and possible overdose), so that all involved City personnel have an optimal understanding and situational awareness of the incident. I will direct this to be a topic of discussion during the Tactical Debrief.

## **Command and Control**

*Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

As the senior officer on scene, Officer Popham took an active leadership role in implementing a plan of action. He communicated throughout the tactical incident with the witnesses, Officer Castro and Sergeant Thomas upon his arrival. Officer Popham's scene management allowed him to request additional resources before initiating contact with the suspect. Upon observing blood on the suspect and the area around the suspect, Officer Popham immediately directed Officer Castro to don protective gloves to ensure the safety and wellness of his partner. Officer Popham directed his partner to quickly engage the suspect when it appeared that the suspect may be attempting to stand up. In line with the Department's guiding value of reverence for human life, Officer Popham requested an RA for both the suspect and the victim as soon as possible and provided direction and assistance to his partner to ensure the suspect was placed on his side pending medical treatment by LAFD.

Officer Popham's demonstration of Command and Control met my expectations of a senior officer at the scene of a critical incident.

Although Sergeant Thomas was cancelled from the radio call, he continued his response in an effort to provide supervisory oversight. Upon arrival at scene, Sergeant Thomas immediately recognized that his assistance was necessary to prevent the situation from escalating. Sergeant Thomas' decision to become involved in the non-lethal Use of Force was sound, swift and minimal. Once the suspect was handcuffed, Sergeant Thomas transitioned back to a supervisory role and provided oversight and direction. He began directing the officers to ensure the well-being of the suspect. Sergeant Thomas additionally recognized that he and the officers were involved in a use of force and that he could not conduct the investigation as an involved officer. Sergeant Thomas then requested an additional supervisor to respond to complete the

investigation. As additional personnel arrived, Sergeant Thomas delegated ancillary duties and ensured the scene was canvassed and controlled.

Lieutenant Gillani responded to the scene and assumed the role of IC. He ensured the substantially involved personnel were separated, admonished and monitored and made timely and appropriate notifications once it was determined that the incident was a Categorical Use of Force.

The actions of Lieutenant Gillani and Sergeant Thomas were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

### **Tactical Debrief**

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Sergeant Thomas, along with Officers Popham and Castro's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Sergeant Thomas, along with Officers Popham and Castro attend a Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On January 28, 2019, Sergeant Thomas, along with Officers Popham, and Castro, attended a GTU. In addition to the mandatory topics, the officers received training on In-Custody Deaths.

### **Use of Force – General**

*It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

### **Non-Lethal Use of Force<sup>3</sup>**

*It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*

- *Defend themselves;*

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<sup>3</sup> Los Angeles Police Department Manual, Volume 1, Section 556.10.

- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

**Officer Popham – Firm Grip, Physical Force, and Bodyweight.**

According to Officer Popham, he repeatedly ordered Outing to put his arms out to his side and spread his legs. Outing did not comply and instead placed his forearms on the ground and lifted his upper torso off the pavement. Officer Popham placed the TASER on Outing's back and ordered him not to get up or he would be tased. Officer Popham then utilized a firm grip to grab Outing's left arm and directed Officer Castro to grab Outing's right arm and place it behind his back. Officer Popham, positioned himself on Outing's left side and placed his right knee on Outing's upper back to prevent him from escaping. While still holding onto the TASER in his right hand, Officer Popham then momentarily utilized his right palm to apply bodyweight to the back of Outing's head to keep him pinned down.

Officer Popham recalled,

*...when they got off of him and my partner's putting the gloves on, he kind of sat up a little bit with his forearms, and I think that's when I put the Taser, like, "Don't move. I will tase you. Don't get up. Spread your arms. Spread your legs."'<sup>4</sup>*

*I grabbed the left arm. He was not complying with our commands.'<sup>5</sup>*

*I used my left hand to move his left arm behind his back.'<sup>6</sup>*

*...we used our bodyweight to hold him on the ground to prevent him from getting up.'<sup>7</sup>*

When asked by FID investigators to clarify Officer Popham's use of body weight and physical force, Officer Popham responded:

FID: *Is there a reason why you may have placed your right knee on the suspect's back at all?*

Officer Popham: *I only could give you my opinion why I would have done that. It's basically to use my bodyweight to pin him to the ground to prevent him from getting up and further escalating the situation.'<sup>8</sup>*

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<sup>4</sup> Officer Popham, 1<sup>st</sup> Interview, Page 22, Lines 13-18.

<sup>5</sup> Officer Popham, 1<sup>st</sup> Interview, Page 9, Lines 23-24.

<sup>6</sup> Officer Popham, 1<sup>st</sup> Interview, Page 21, Lines 18-19.

<sup>7</sup> Officer Popham, 1<sup>st</sup> Interview, Page 43, Lines 20-22.

<sup>8</sup> Officer Popham, 2nd Interview, Page 6, Lines 8-12.

FID: *Your right hand on the back of the suspect's head...can you give us your opinion why you would have done that?*

Officer Popham: *It's the same reason why I would have put my knee in the middle of his back and use my bodyweight just to keep him pinned down.*<sup>9</sup>

FID: *...there's twice where you placed your hands on the suspect... in the back of his neck. And the reason why you would have done that in your opinion?*

Officer Popham: *...to keep control of him to prevent him from getting up and causing physical harm or violence.*<sup>10</sup>

**Officer Castro – Firm Grip, Physical Force, and Bodyweight.**

According to Officer Castro, he positioned himself behind Outing and then utilized a firm grip on Outing's right arm and attempted to move his arm behind his back. Officer Castro noted that Outing was tensing up, really strong and had foam coming out of his mouth. Based on these observations, Officer Castro formed the opinion that Outing was possibly under the influence of something. Officer Castro ordered Outing to, "Stop tensing up," but Outing did not comply or respond. Officer Castro utilized physical force to pull Outing's right arm from underneath Outing and placed it behind his back. Officer Castro then applied a handcuff to his right wrist.

Officer Castro placed his left knee against Outing's lower back and utilized his body weight to prevent Outing from getting up.

Officer Castro recalled,

*I got up behind the subject, tried to grab his arm, his right arm. As I was trying to get his right arm, he was really, he was tensing up. Really strong. Appeared to be that he was under the influence of something. I noticed foam coming out of his mouth. Did my best to get the handcuff on. Got it on one of the – on his right arm.*<sup>11</sup>

**Sergeant Thomas – Firm grip and physical force right arm.**

According to Sergeant Thomas, he observed that the officers had one handcuff on Outing's wrist and realized that they needed some assistance in handcuffing him. Sergeant Thomas, concerned that the incident would escalate if Outing was not immediately taken into custody, utilized a firm grip and physical force to push Outing's right arm closer to his left arm to assist the officers with handcuffing Outing's left wrist.

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<sup>9</sup> Officer Popham, 2nd Interview, Page 8, Lines 6-9.

<sup>10</sup> Officer Popham, 2nd Interview, Page 8, Lines 24-25, and Page 9, Line 1.

<sup>11</sup> Officer Castro, Page 6, Lines 12-18.



Sergeant Thomas recalled,

*...they had one handcuff on. Due to the call, the nature of the call and the struggling and so forth I -- so I pushed closer and realized that they need some assistance in handcuffing the gentlemen because they were not able to handcuff him on their own.<sup>12</sup>*

*...they only had one handcuff on. They were still struggling, so I grabbed his right arm and kind of pushed it towards the left arm, so that way they could handcuff him, in which they did. I don't want things to get out of hand, knowing this -- knowing this guy had already been in an altercation with the construction worker.<sup>13</sup>*

In this case, the UOFRB conducted a thorough review and analysis of the investigation and circumstances of the incident in determining the reasonableness of Sergeant Thomas' and Officers Popham and Castro's use of non-lethal force. The UOFRB noted that the incident involved a suspect who had already physically assaulted a victim and four witnesses had to physically restrain him until police officers arrived. Both officers used minimal force on the suspect in their attempts to handcuff and control the suspect. The officers continued to verbalize commands in an attempt to elicit cooperation and voluntary compliance throughout the incident. During the handcuffing of the suspect, the officers maintained control of the suspect's arms and used the minimal amount of force necessary to handcuff him and avoid injury. Officer Popham exhibited his TASER to the suspect in an effort to gain compliance but demonstrated restraint by not utilizing it and instead coordinated with Officer Castro and Sergeant Thomas to employ physical control techniques to handcuff the suspect.

The UOFRB also noted that Sergeant Thomas correctly determined that the officers were having difficulty in handcuffing the suspect and assisted the officers in handcuffing the suspect since there were no other officers at the scene at the time. Sergeant Thomas' involvement was momentary and minimal in nature and he returned to a supervisory role once the suspect was in custody.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Sergeant Thomas, along with Officers Popham and Castro, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Outing's resistance.

Therefore, I find Sergeant Thomas, along with Officers Popham and Castro's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

### **Additional/Required Equipment**

**Required Equipment** – The investigation revealed that Officer Popham was not in possession of his Hobble Restraint Device. Captain S. Spell, Serial No. 30971, Commanding Officer,

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<sup>12</sup> Sergeant Thomas, Page 7, Lines 1-5

<sup>13</sup> Sergeant Thomas, Page 7, Lines 8-15.

Central Patrol Division, advised that this issue was addressed through informal counseling at the divisional level. The Commanding Officer of Operations Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

**Supervisor's Log** – The investigation revealed that the date of occurrence was noted incorrectly on the Sergeant's Daily Report completed by Detective II J. Verner, Serial No. 33441, Central Area Detectives. Captain Spell advised that this issue was addressed with informal counseling at the divisional level. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

**Transporting Injured Suspects/Arrestees/Inmates** – The investigation revealed that Officer Gelvin did not accompany the restrained suspect inside of the RA, nor did a police vehicle follow the RA during the suspect's transportation to the hospital. Officer Gelvin was initially inside of the RA with the restrained suspect but exited when an additional LAFD member entered the RA to assist with lifesaving procedures on Outing. Officer Gelvin requested that LAFD personnel notify him prior to transportation so that he could re-enter the RA and accompany them to the hospital. After several minutes of rendering lifesaving procedures, the LAFD decided to transport the suspect to the hospital, but due to the suspect's critical condition, they did not advise officers that they were leaving. Upon learning that an officer had not ridden in the RA or followed the RA to the hospital, Lieutenant Gillani directed an LAPD unit to respond directly to the hospital. Captain Spell advised that he addressed the importance of riding in an RA during the transport of a suspect through roll call training, supervisor's meetings and at the divisional supervisor training day. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)** – Multiple police vehicles equipped with DICV responded to this incident. All were found to be of no evidentiary value as they did not capture the use of force.

**Body Worn Video (BWV)** – Officers Popham and Castro activated their BWVs, which captured their response to the scene as well as their verbal commands and non-lethal use of force. Sergeant Thomas activated his BWV, which captured his response and non-lethal force application.

**Outside Video** – Two MTA security videos captured Outing pushing the juvenile victim onto the train tracks. Other MTA video captured Outing fleeing the scene after the assault and running up the stairway toward 5<sup>th</sup> Street and Hill Street.

Grimshaw's cellular phone video captured the four citizens holding Outing down, the arrival of the patrol officers and portions of the non-lethal force application.

**Chief's Direction**

I have directed the Director of the Office of Support Services (OSS) to review and evaluate the current options for carrying the TASER by Department personnel.

Additionally, in an effort to enhance future tactical performance, I have directed the Director of OSS to publish a notice regarding the tactical considerations regarding the use of the X26 TASER with and without a TASER cartridge.

Respectfully,

A handwritten signature in blue ink, appearing to be 'MRM', is written above the printed name.


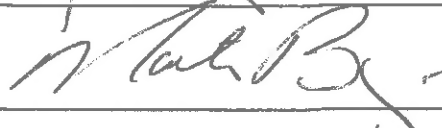



MICHEL R. MOORE  
Chief of Police

Date: 10-10-19

LOS ANGELES POLICE DEPARTMENT  
USE OF FORCE REVIEW BOARD REPORT

INC No. 067-18	CF No.	DR No.
ICD		

REVIEW BOARD INFORMATION

Location of Incident 5th Street/Flower Street	RD 152	Date of Incident December 19, 2018	Date and Time of Board Review September 23, 2019 1230 Hours
Chairman Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members:		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211			
Member (Personnel and Training Bureau) Deputy Chief M. Baeza, Serial No. 26624			
Member (Bureau) Commander M. Reina, Serial No. 34490			
Member (Peer) Officer M. Prendergast, Serial No. 39834			
Member (Peer) Sergeant F. Pardo, Serial No. 33800			
Presenting Commanding Officer Captain S. Spell, Serial No. 30971			
Notes:			
<p style="text-align: right;">RECEIVED OCT 11 2019 OFFICE OF THE INSPECTOR GENERAL</p>			
Additional Considerations:			
<p style="text-align: right;">RECEIVED POLICE COMMISSION 2019 OCT 10 AM 9:29 JR</p>			
Modification to Present Policy, Practices or Training:			
<p>■ COP Date Signed: 10/10/2019</p> <p>■ PC Date Submitted: 10/10/2019</p>			

<b>Employee (Last Name, First, Middle)</b> Thomas, Oliver		<b>Serial No.</b> 34998	<b>Rank/Class</b> Sergeant I	<b>Incident No.</b> 067-18
<b>Length of Employment</b> 20 years, 3 months		<b>Current Division</b> Central	<b>Time in Current Division</b> 7 years, 4 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>	<b>Police Commission</b>	
<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<u><b>Drawing and Exhibiting the Firearm</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Drawing and Exhibiting the Firearm</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Drawing and Exhibiting the Firearm</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Less-Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Less-Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Less-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Non-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Non-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Non-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Unintentional Discharge</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u><b>Unintentional Discharge</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u><b>Unintentional Discharge</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<u><b>Other Issues</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Other Issues</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Other Issues</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Notes:				
<u><b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b></u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed		Notes:		

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

<b>Employee (Last Name, First, Middle)</b> Popham, Clinton		<b>Serial No.</b> 35172	<b>Rank/Class</b> Police Officer III	<b>Incident No.</b> 067-18
<b>Length of Employment</b> 19 years, 11 months		<b>Current Division</b> Central	<b>Time in Current Division</b> 15 years, 1 month	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>	<b>Police Commission</b>	
<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<u><b>Drawing and Exhibiting the Firearm</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Drawing and Exhibiting the Firearm</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Drawing and Exhibiting the Firearm</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Less-Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Less-Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Less-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Non-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Non-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Non-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<u><b>Unintentional Discharge</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u><b>Unintentional Discharge</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u><b>Unintentional Discharge</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<u><b>Other Issues</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Other Issues</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u><b>Other Issues</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Notes:				
<u><b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b></u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint		Notes:		
<input checked="" type="checkbox"/> Employee's Work History Reviewed				

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

